The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 23

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Ex parte THOMAS J. OLSON

Appeal No. 2005-0172
Application No. 09/292,265

ON BRIEF

Before THOMAS, HAIRSTON, and RUGGIERO, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1, 3 through 6, 9 through 12, 15 through 17, 22, 25, 27, 29, 40 through 43, 46 through 49, 52 through 54 and 56. After submission of the brief, the examiner withdrew the rejection of claims 17 and 54 because they contain allowable subject matter (answer, page 2). Accordingly, claims 1, 3 through 6, 9 through 12, 15, 16, 22, 25, 27, 29, 40 through 43, 46 through 49, 52, 53 and 56 remain before us on appeal.

The disclosed invention relates to a method and apparatus for monitoring a moving object in a monitored area. A single image of a succession of detected images for each identified moving object is automatically selected based upon a selection criteria and the single selected image is saved. The remaining detected images in the succession of detected images are then discarded.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

> 1. A method of monitoring an area, comprising the steps of:
>
> periodically detecting an image of the area;
>
> identifying and tracking a moving object in a succession of the detected images;
>
> automatically selecting a portion of a single image of the succession of detected images for each identified moving object using selection criteria;
>
> saving the selected portion of the single image of the succession of detected images for each identified object; and
>
> discarding and not saving detected images of the succession of the detected images other than said single image of each identified object.

The references relied on by the examiner are:

Williams et al. (Williams)	5,425,139	Jun. 13, 1995
Gorr et al. (Gorr)	5,961,571	Oct. 5, 1999 (filed Dec. 27, 1994)

Baxter	5,966,074	Oct. 12, 1999 (filed Dec. 17, 1996)
Seeley et al. (Seeley)	6,069,655	May 30, 2000 (filed Aug. 1, 1997)

Claims 1, 3 through 6, 9 through 12, 15, 16, 22, 25, 29, 40 through 43, 46 through 49, 52 and 53 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Seeley in view of Gorr and Williams.

Claims 27 and 56 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Seeley in view of Gorr, Williams and Baxter.

Reference is made to the briefs (paper numbers 18 and 20) and the answer (paper number 19) for the respective positions of the appellant and the examiner.

OPINION

We have carefully considered the entire record before us, and we will reverse the obviousness rejections of claims 1, 3 through 6, 9 through 12, 15, 16, 22, 25, 27, 29, 40 through 43, 46 through 49, 52, 53 and 56.

According to the examiner (answer, page 5), "Seeley discloses [column 10, lines 19 through 31] the selection of the identifying object information by using selection criteria, panning, tilting, or zooming into the identifying information in

an event of interest; also note log or list of the saved identifying information is generated," and "Seeley discloses [column 15, lines 24 through 30] the selection of image information from the succession of detected images; further, Seeley discloses the storing or saving of the image information into picture buffer 40 of figure 7." The examiner acknowledges (answer, pages 5 and 6) that "Seeley does not disclose the limitation of 'discard and not save detected images other than said single image of the succession of the detected images for each identified object,'" and that "Seeley and Gorr does [sic, do] not specifically teach the use of a series of Cartesian coordinate pairs for identifying the object's movement path."

Appellant has not challenged the examiner's contention (answer, page 6) that it would have been obvious to one of ordinary skill in the art to combine the teachings of Seeley and Gorr for the advantage of "maximizing the storage capacity and unload any unnecessary image information," and to combine the teachings of Seeley, Gorr and Williams "for permitting the computation, identification, storage and display of the objects in the Cartesian coordinate plane so as to clearly identify the objects at their specific locations."

Appellant argues (brief, page 6) that:

> The . . . panning, tilting or zooming a selected camera taught in . . . Seeley et al[.] fails to disclose or make obvious automatic selection of a portion of an image including an identified object. In particular, this portion of Seeley et al[.] fails to mention selection of a portion of an image. Instead Seeley et al[.] teaches control of the whole image via panning, tilting and zooming. Further, the cited portion of Seeley et al[.] fails to teach any selection made by such panning, tilting or zooming includes a detected object . . . .

We agree with appellant's arguments. Nothing in Seeley indicates that a portion of an image is selected during the panning, tilting or zooming of the selected camera during the surveillance of a scene.

In response to the examiner's contention that Seeley discloses "saving the selected portion of the single image of the succession of detected images for each identified object" as claimed, appellant argues (brief, page 7) that:

> The . . . thumbnails disclosed in Seeley [Figure 8B; column 15, lines 24 through 30] et al[.] are not the claimed portion of a detected image. Additionally, the thumbnails disclosed in Seeley et al[.] are not taught as corresponding to detected objects as claimed. Lastly, Seeley et al[.] includes no teaching that the saved thumbnail is the image supposedly automatically identified as taught at column 10, lines 19 to 31.

We agree with appellant's arguments. The thumbnails (Figure 8B) are nothing more than compressed frames of the full

resolution frames of video (Figure 8A; column 15, lines 31 through 37; column 16, lines 59 through 61). Nothing in the referenced portion of Seeley is concerned with "saving the selected portion of the single image" as required by the claims on appeal.

In view of the forgoing, the obviousness rejection of claims 1, 3 through 6, 9 through 12, 15, 16, 22, 25, 29, 40 through 43, 46 through 49, 52 and 53 is reversed.

The obviousness rejection of claims 27 and 56 is reversed because the teachings of Baxter fail to cure the noted shortcomings in the teachings of Seeley, Gorr and Williams.

DECISION

The decision of the examiner rejecting claims 1, 3 through 6, 9 through 12, 15, 16, 22, 25, 27, 29, 40 through 43, 46 through 49, 52, 53 and 56 under 35 U.S.C. § 103(a) is reversed.

REVERSED

JAMES D. THOMAS)
Administrative Patent Judge)
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) BOARD OF PATENT
KENNETH W. HAIRSTON) APPEALS AND
Administrative Patent Judge) INTERFERENCES
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JOSEPH F. RUGGIERO)
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KWH/hh

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